

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:16-00218

DON LAMONT WILKERSON

MEMORANDUM OPINION AND ORDER

On April 5, 2018, Don Lamont Wilkerson filed a motion seeking an extension of time to file a motion for new trial. ECF No. 190. Pursuant to Federal Rule of Criminal Procedure 33(b)(2), "[a]ny motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict or finding of guilty." However, Federal Rule of Criminal Procedure 45 allows the court to give an extension of time if the requesting party files a motion "before the originally prescribed or previously extended time expires." Defendant's motion was filed a week before the April 12, 2018 deadline. The government does not object to the extension. See ECF No. 190. Therefore, the court **GRANTS** defendant's motion and his motion for new trial is due on or before May 2, 2018.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record.

**IT IS SO ORDERED** this 12th day of April, 2018.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge